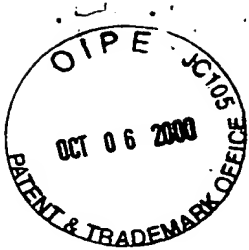


#3



## DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ***Apparatus and Method for Dynamically Coordinating the Delivery of Computer Readable Media*** the specification of which

☐ is attached hereto.

☒ was filed on April 26, 2000 as Application Serial No. 09/558,923 and was amended on \_\_\_\_\_. (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Date Filed)

Yes ☐ No ☐

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

<u>60/131,083</u> (Application Serial No.)	<u>April 26, 1999</u> (Filing Date)
<u>60/131,115</u> (Application Serial No.)	<u>April 26, 1999</u> (Filing Date)
<u>60/131,114</u> (Application Serial No.)	<u>April 26, 1999</u> (Filing Date)
<u>60/176,687</u> (Application Serial No.)	<u>January 18, 2000</u> (Filing Date)
<u>60/176,699</u> (Application Serial No.)	<u>January 18, 2000</u> (Filing Date)

Direct all telephone calls to William S. Galliani at (650) 493-4935. Address all correspondence to:

PENNIE & EDMONDS LLP  
3300 Hillview Avenue  
Palo Alto, CA 94304

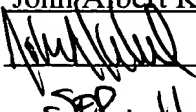
File No. 10351-0006

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or  
first inventor:

John Albert Kembel

Inventor's signature:



Date:

SEP. 11 '00

Residence:

2334 Williams Street, Palo Alto, CA 94306

Citizenship:

USA

Post Office Address:

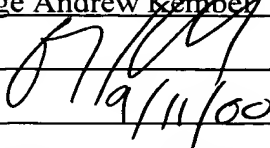
2334 Williams Street

Palo Alto, CA 94306

Full name of second joint  
inventor, if any:

George Andrew Kembel

Inventor's signature:



Date:

9/11/00

Residence:

1045 Santa Cruz Avenue, Apt. F, Menlo Park, CA 94025

Citizenship:

USA

Post Office Address:

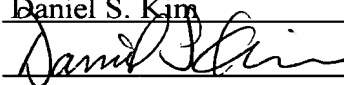
1045 Santa Cruz Avenue, Apt. F

Menlo Park, CA 94025

Full name of third joint  
inventor, if any:

Daniel S. Kim

Inventor's signature:



Date:

9/8/2000

Residence:

408 Pepper Avenue, Palo Alto, CA 94306

Citizenship:

USA

Post Office Address:

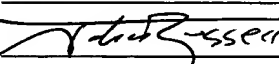
408 Pepper Avenue

Palo Alto, CA 94306

Full name of fourth joint  
inventor, if any:

John Russell

Inventor's signature:



Date:

9-8-2000

Residence:

605 Colorado Avenue, Palo Alto, CA 94306

Citizenship:

USA

Post Office Address:

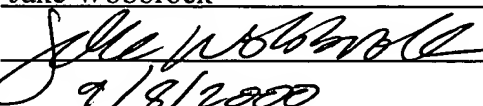
605 Colorado Avenue

Palo Alto, CA 94306

Full name of fifth joint  
inventor, if any:

Jake Wobbrock

Inventor's signature:



Date:

9/8/2000

Residence:

1091 Tanland Drive, #201, Palo Alto, CA 94303

Citizenship:

USA

Post Office Address:

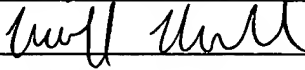
1091 Tanland Drive, #201

Palo Alto, CA 94303

Full name of sixth joint  
inventor, if any:

Geoffrey S. Kembel

Inventor's signature:



Date:

9/8/2000

Residence:

1045 Santa Cruz Avenue, Apt. F, Menlo Park, CA 94025

Citizenship:

USA

Post Office Address:

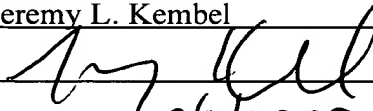
1045 Santa Cruz Avenue, Apt. F

Menlo Park, CA 94025

Full name of seventh joint  
inventor, if any:

Jeremy L. Kembel

Inventor's signature:



Date:

9/8/2000

Residence:

213 Fulton Street, Palo Alto, CA 94301

Citizenship:

USA

Post Office Address:

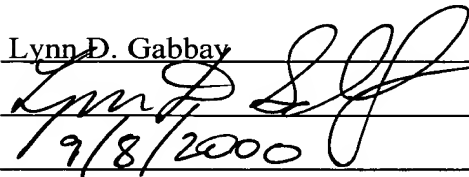
213 Fulton Street,

Palo Alto, CA 94301

Full name of eighth joint  
inventor, if any:

Lynn D. Gabbay

Inventor's signature:



Date:

9/8/2000

Residence:

1249 Lakeside Drive, #1064, Sunnyvale, CA 94085

Citizenship:

USA

Post Office Address:

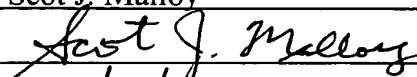
1249 Lakeside Drive, #1064

Sunnyvale, CA 94085

Full name of ninth joint  
inventor, if any:

Scot J. Malloy

Inventor's signature:



Date:

9/8/2000

Residence:

207 Grove Drive, Portola Valley, CA 94028

Citizenship:

USA

Post Office Address:


207 Grove Drive

Portola Valley, CA 94028

Full name of tenth joint  
inventor, if any:

Adam M. Chipkin

Inventor's signature:



Date:

9.29.60

Residence:

720 York Street, #110, San Francisco, CA 94110

Citizenship:

USA

Post Office Address:

720 York Street, #110

San Francisco, CA 94110



#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: KEMBEL et al.

Application No.: 09/558,923

Group Art Unit: 2756

Filed: April 26, 2000

Examiner: Not yet assigned

For: Apparatus and Method for  
Dynamically Coordinating the  
Delivery of Computer Readable  
Media

Attorney Docket No.: 10351-0006

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints: S. Leslie Misrock (Reg. No. 18872), Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), William S. Galliani (Reg. No. 33885), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No.

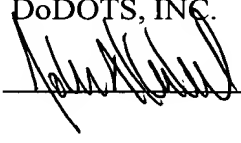
35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), and Alan Tenenbaum (Reg. No. 34939), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, all of Pennie & Edmonds LLP (PTO Customer No. 24341), as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Pennie & Edmonds LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

An assignment of the entire interest in the above-identified subject application:

☐ was recorded on \_\_\_\_\_ at reel/frame / \_\_\_\_\_ .  
☒ is submitted herewith for recording, copy attached.

Please direct all correspondence for this application to:

William S. Galliani  
PENNIE & EDMONDS LLP  
3300 Hillview Avenue  
Palo Alto, CA 94304

ASSIGNEE: DoDOTS, INC.  
Signature:   
Typed Name: John Kembel  
Position/Title: CTO & Founder  
Address: 830 Stewart Drive  
Sunnyvale, CA 94086  
Date: Oct. 2, 2000

H3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
KEMBEL et al.



Application No.: 09/558,923

Group Art Unit: 2756

Filed: April 26, 2000

Examiner: Not yet assigned

For: Apparatus and Method for Dynamically  
Coordinating the Delivery of Computer  
Readable Media

Attorney Docket No.: 10351-0006

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
[37 CFR 1.9(f) and 1.27(c)] - Small Business Concern

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act in behalf of  
the concern identified below:

Name of organization DoDots, Inc.

Address of organization 830 Stewart Drive, Sunnyvale, CA 94086

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor to convey rights to the small business concern with regard to the invention entitled APPARATUS AND METHOD FOR DYNAMICALLY COORDINATING THE DELIVERY OF COMPUTER READABLE MEDIA by inventors John Albert Kembel, George Andrew Kembel, Daniel S. Kim, John Russell, Jake Wobbrock, Geoffrey S. Kembel, Jeremy L. Kembel, Lynn D. Gabbay, Scot J. Malloy, and Adam M. Chipkin described in

- ☐ the specification filed herewith
- ☒ application no. 09/558,923 filed April 26, 2000

☐ patent no. \_\_\_\_\_ issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

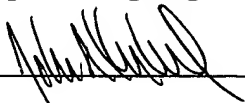
☐ INDIVIDUAL   ☐ SMALL BUSINESS CONCERN   ☐ NONPROFIT  
ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to:	PENNIE & EDMONDS LLP	Direct Telephone calls to:
	3300 Hillview Avenue	William S. Galliani
	Palo Alto, CA 94304	(650) 493-4935

Name of person signing John A. Kembel  
Title of person other than owner \_\_\_\_\_  
Address of person signing 830 Stewart Drive, Sunnyvale, CA 94086

Signature  Date Oct. 2, 2000

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.  
(37 CFR 1.27)